IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.771 OF 2004

The State of Maharashtra ....Appellant.

V/s

Ashok Yeshwant Bhoite
and 2 Ors. ....
Respondents.

Mr. Y.S. Shinde, APP for the appellant.

Mr. Naveen Chomal for respondents.

CORAM: V.M. KANADE, J.
DATE : 21st August, 2007

P.C.:

1. Appellant - State has filed this appeal against acquittal, challenging the order passed by the Joint Judicial Magistrate, First Class, Koregaon dated 26/12/2003 whereby the accused who were charged for the offences punishable under the Arms Act were acquitted.

2. The learned Counsel appearing on behalf of respondents submitted that, apart from merits of the case, the appeal itself has become infructuous and no useful purpose will be served in granting leave, particularly because the accused, as under-trial prisoners, have already undergone 6 years and 1 month of sentence. He submits that the minimum sentence which can be imposed for the

offences which are alleged to have been committed by the accused is 3 years and maximum is 7 years.

3. I have perused the judgment and order passed by the trial court as also the evidence on record. The trial court has given cogent reasons for acquitting the accused. Even otherwise, the accused have undergone 6 years and 1 month sentence as under-trial prisoners which is an admitted position. No case is, therefore, made out for grant of leave. Leave is refused. Appeal is dismissed.

(V.M. KANADE, J.)